

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Christopher D Kircher
Nichole M Kircher

Debtor(s).

Ch. 13: 12-60224

**NOTICE OF MODIFIED PLAN (Pre-Confirmation)
AND CONFIRMATION HEARING**

To: The Chapter 13 Trustee; the United States Trustee;
and to the other entities specified in Local Rule 3015-2:

1. Please take notice that the debtors have filed a modified plan.
2. A copy of the modified plan is attached.
3. The Court will hold a hearing on confirming this modified plan at 10:00 o'clock a.m. on July, 24, 2012, at 204 US Courthouse, 118 S Mill St, Rm 2, Fergus Falls MN 56537, or as soon thereafter as counsel may be heard.
4. Any objection to confirmation of this modified plan shall be delivered not later than seven days or mailed not later than ten days to the date and time of hearing. Any objection to a modified plan filed pre-confirmation shall be delivered not later than 24 hours prior to the time and date set for the confirmation hearing.

/e/ Sam V. Calvert
Sam V. Calvert
1011 2nd St. North, Suite 107
Box 1044
St. Cloud MN 56302
320-252-4473
atty id # 1431X

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In re:

MODIFIED CHAPTER 13 PLAN

Christopher D. Kircher
Nichole M. Kircher

Dated: June 29, 2012
Case No. 12-60224

DEBTOR

In a joint case, debtor means debtors in this plan.

1. DEBTOR'S PAYMENTS TO TRUSTEE —

- a. As of the date of this plan, the debtor has paid the trustee \$ 970.00
- b. After the date of this plan, the debtor will pay the trustee \$ 897.00 per month for 58 months, beginning in July, 2012, for a subtotal of \$ 52,026.00. The minimum plan length is 36 or X 60 months from the date of the initial plan payment unless all allowed claims are paid in a shorter time.
- c. The debtor will also pay the trustee \$ 0
- d. The debtor will pay the trustee a total of \$ 52,996.00 [line 1(a) + line 1(b) + line 1(c)].

2. PAYMENTS BY TRUSTEE — The trustee will pay from available funds only creditors for which proofs of claim have been filed. The trustee may collect a fee of up to 10% of plan payments, or \$ 5,299.60 [line 1(d) x .10].

3. ADEQUATE PROTECTION PAYMENTS [§ 1326(a)(1)(C)] – The trustee will promptly pay from available funds adequate protection payments to creditors holding allowed claims secured by personal property, according to the following schedule, beginning in month one (1).

Creditor	Monthly Payment	Number of Months	Total Payments
a. 1 st ST Bank Swanville	\$270.00	2	\$540.00

4. EXECUTORY CONTRACTS AND UNEXPIRED LEASES [§ 365] – The debtor assumes the following executory contracts or unexpired leases. Cure provisions, if any, are set forth in ¶ 7.

Creditor	Description of Property
a. none	

5. CLAIMS NOT IN DEFAULT – Payments on the following claims are current and the debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any.

Creditor	Description of Claim
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a. none

6. HOME MORTGAGES IN DEFAULT [§ 1322(b)(5) and § 1322(e)] — The trustee will cure defaults on the following claims secured only by a security interest in real property that is the debtor's principal residence. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens. All following entries are estimates. The trustee will pay the actual amounts of default.

Creditor	Amount of Default	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
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a. Wells

Fargo Bank	\$1,982.40	\$162.99	4	12	\$1,982.40
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7. CLAIMS IN DEFAULT [§ 1322 (b)(3) and (5) and § 1322(e)] — The trustee will cure defaults on the following claims as set forth below. The debtor will pay the payments that come due after the date the petition was filed directly to the creditors. The creditors will retain liens, if any. All following entries are estimates, except for interest rate

Creditor	amount of Default	int. rate (if applicable)	Monthly Payment	Beginning in Month #	number of payments	TOTAL Payments
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a. none

8. OTHER SECURED CLAIMS; SECURED CLAIM AMOUNT IN PLAN CONTROLS [§ 1325(a)(5)] — The trustee will pay, on account of the following allowed secured claims, the amount set forth in the "Total Payments" column, below. The creditors will retain liens securing the allowed secured claims until the earlier of the payment of the underlying debt determined under nonbankruptcy law, or the date of the debtor's discharge. NOTWITHSTANDING A CREDITOR'S PROOF OF CLAIM FILED BEFORE OR AFTER CONFIRMATION, THE AMOUNT LISTED IN THIS PARAGRAPH AS A CREDITOR'S SECURED CLAIM BINDS THE CREDITOR PURSUANT TO 11 U.S.C. § 1327, AND CONFIRMATION OF THE PLAN IS A DETERMINATION OF THE CREDITOR'S ALLOWED SECURED CLAIM.

Creditor	claim	secured claim	int. rate	begin-ning in month #	monthly payments	no. pmts. on account of claim	adequate protection = payments from ¶ 3	TOTAL PAYMENTS
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a.1st ST Bank

Swanville		\$27,003.89	\$27,003.89	6 3	\$545.64	57	\$540.00	\$31,641.48
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(vehicle)

9. PRIORITY CLAIMS. The trustee will pay in full all claims entitled to priority under § 507, including the following. The amounts listed are estimates. The trustee will pay the amounts actually allowed.

Creditor	Estimated Claim	Monthly Payment	Beginning in Month #	Number of Payments	TOTAL PAYMENTS
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a. Attorney Fees	\$2,831.00	\$ 50.00	1	56	\$2,831.00
b. Domestic support	\$ 0				\$
c. IRS	\$ 0				\$
d. MN Dept. of Rev.	\$ 673.00	\$225.00	1	3	\$ 673.00
e.					\$
f.				Total:	\$3,504.00

10. SEPARATE CLASSES OF UNSECURED CREDITORS — In addition to the class of unsecured creditors specified in ¶ 11, there shall be separate classes of non-priority unsecured creditors described as follows: none

The trustee will pay the allowed claims of the following creditors. All entries below are estimates.

a. None.

11. TIMELY FILED UNSECURED CREDITORS — The trustee will pay holders of nonpriority unsecured claims for which proofs of claim were timely filed the balance of all payments received by the trustee and not paid under ¶ 2, 3, 6, 7, 8, 9 and 10 their pro rata share of approximately \$10,568.52 [line 1(d) minus lines 2, 6(d), 7(d), 8(d), 9(f), and 10(c)].

a. The debtor estimates that the total unsecured claims held by creditors listed in ¶ 8 are \$0 .

b. The debtor estimates that the debtor's total unsecured claims (excluding those in ¶ 8 and ¶ 10) are \$115,084.38 .

c. Total estimated unsecured claims are \$115,852.99 [line 11(a) + line 11(b)].

12. TARDILY-FILED UNSECURED CREDITORS — All money paid by the debtor to the trustee under ¶ 1, but not distributed by the trustee under ¶ 2, 3, 6, 7, 8, 9, 10, or 11 will be paid to holders of nonpriority unsecured claims for which proofs of claim were tardily filed.

13. OTHER PROVISIONS — The trustee may distribute additional sums not expressly provided for herein at the trustee's discretion. As to the claims dealt with in paragraphs 5, 6, 7 and 8, in the event of the surrender or foreclosure or repossession or return of the collateral to the creditor for any reason, the balance of the claim, if any, will be paid as an unsecured claim, discharged by the discharge granted pursuant to 11 USC 1328. For the tax year 2012, a proof of claim may be filed by any entity that holds a claim against the debtor for taxes that become payable to a governmental unit while the case is pending and the trustee shall pay such claim as submitted pursuant to 11 USC Section 1305. Other than said tax claims, the debtor will pay, in full (with interest) all postpetition claims allowed under 11 USC Sec. 1305, if there are any such claims. Confirmation of the plan shall impose a duty on the holders and/or servicers of claims secured by liens on real property to apply the payments received from the trustee on the pre-petition arrearages, if any, only to such arrearages; to apply the direct mortgage payments as set out in the note and mortgage; to notify the trustee, the debtor and the attorney for the debtor of any changes in the interest rate for an adjustable rate mortgage and the effective date of the adjustment; to notify the trustee, the debtor and attorney for the debtor of any change in the taxes and insurance that would either increase or reduce the escrow portion of the monthly mortgage payment; and to otherwise comply with 11 U.S.C. Section 524(i). The holders and/or servicers

of claims secured by liens on real property may send payment coupons to the debtor. The holders and/or servicers of claims secured by liens on real property may negotiate with the debtor and implement mutually agreeable loan modification agreements. The plan filed by the debtor(s) herein hereby specifically rejects, avoids, cancels and otherwise releases the debtor(s) from any and all contractual provisions, with any party or entity, which could or may impose on the debtor(s) any duty, requirement or obligation to submit any and all claims, demands, or causes of action of the debtor(s) or any defenses, affirmative or otherwise, of any nature whatsoever, whether known or unknown, and whether arising pre-petition or post-petition, to any form of binding arbitration or alternative dispute resolution.

Counsel for the debtors is authorized to act as counsel for the estate to recover preferences; recoveries in excess of the debtor's exempt amounts will be paid over to the trustee.

In addition to the payments under paragraph 1, if during the duration of this plan the debtor receives an income tax refund during the term of this plan which exceeds \$2,400.00 per year (not including any Earned Income Credit or Working Family Credit or similar credit), the debtor will pay the trustee such excess amount, when received. If the debtor receives a refund from the federal taxing agency but owes the state taxing agency (or vice-versa), the debtor will net the two out and pay the trustee the amount over \$2,400.00 (not including any Earned Income Credit or Working Family Credit or similar credit). The debtor will deduct the cost of preparation and filing of the returns from the amount paid to the trustee. The trustee shall distribute the funds, when received, as appropriate.

14. SUMMARY OF PAYMENTS —

Trustee's Fee [Line 2]	\$ 5,299.60
Home Mortgage Defaults [Line 6(d)]	\$ 1,982.40
Claims in Default [Line 7(d)]	\$ 0
Other Secured Claims [Line 8(d)]	\$31,641.48
Other Claims [Line 9(f)]	\$ 3,504.00
Separate Classes [Line 10(c)]	\$ 0
Unsecured Creditors [Line 11]	\$ <u>10,568.52</u>
TOTAL [must equal Line 1(d)]	\$52,996.00

Name, Address, Telephone
and License Number of Debtor's Attorney:

Sam V. Calvert #1431X
1011 2nd ST N Ste 107
St Cloud MN 56303
320-252-4473

Signed: /e/ Christopher Kircher
Debtor

/e/ Nichole Kircher
Debtor

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Christopher Kircher
Nichole Kircher

Debtors.

Chapter 13 file Case: 12-60224

UNSWORN DECLARATION FOR PROOF OF SERVICE

Barb Robinson, employed by Sam V. Calvert, attorney licensed to practice law in this Court, with office address of 1011 2nd St. North, Suite 107, St. Cloud, MN 56303, declares that on July 12, 2012 I served the attached Notice of Modified Plan (Pre-Confirmation) and Confirmation Hearing on the entity or entities listed below, by mailing each of them a copy thereof by enclosing the same in an envelope, first class postage prepaid, and depositing the same in the United States Mail at St. Cloud Minnesota addressed as follows:

Office of the US Trustee
Suite 1015
300 S 4th St
Mpls MN 55415
(Electronically)

Kyle Carlson
Box 519
Barnsville MN 56514

by US Mail

Christopher & Nichole Kircher
30046 Cty Rd 13
Burtrum MN 56318-4631

see attached list

And I declare, under penalty of perjury, that the foregoing is true and correct.

Dated: July 12, 2012 /e/ B Robinson

American InfoSource LP as agent for
InSolve Recovery, LLC
PO Box 269093
Oklahoma City, OK 73126-9093

APPLIED BANK
BOX 17125
WILMINGTON, DE 19850-7125

BEST BUY HSBC
PO BOX 80084
SALINAS, CA 93912-0084

CAPITAL ONE
PO BOX 30285
SALT LAKE CITY, UT 84130

Capital One Bank (USA), N.A.
PO Box 71083
Charlotte, NC 28272-1083

Cavalry Portfolio Services, LLC
500 Summit Lake Drive Suite 400
Valhalla, NY 10595-1340

CHASE
100 DUFFY AV
HICKSVILLE, NY 11801-3639

CHASE
PO BOX 15298
WILMINGTON, DE 19850-5298

CITICARD
PO BOX 6000
THE LAKES, NV 89163-6000

CVF Consumer Acquisition Company its successors
and assigns as assignee of NCO
Portfolio Management
Resurgent Capital Services
PO Box 10587
Greenville, SC 29603-0587

DISCOVER

PO BOX 3008
NEW ALBANY, OH 43054-3008

Discover Bank
DB Servicing Corporation
PO Box 3025
New Albany, OH 43054-3025

DISNEY REWARDS CARD
BOX 15299
WILMINGTON, DE 19850-5299

GE MONEY BANK
ATTN: BANKRUPTCY DEPT
P O BOX 103104
ROSWELL, GA 30076

GURSTEL CHARGO
6681 COUNTRY CLUB DRIVE
GOLDEN VALLEY, MN 55427

HOME DEPOT
BOX 689100
DES MOINES, IA 50368-9100

HOUSEHOLD BANK MASTERCARD
PO BOX 5222
CAROL STREAM, IL 60197-5222

HSBC
PO BOX 60139
CITY OF INDUSTRY, CA 91716-0139

HSBC
PO BOX 80084
SALINAS, CA 93912-0084

HSBC CARD SERVICES
BOX 80084
SALINAS, CA 93912-0084

IC SYSTEM INC
BOX 64887
ST PAUL, MN 55164

JC Penney

PO Box 965008
Orlando FL 32896-5008

Jefferson Capital Systems LLC
PO BOX 7999
SAINT CLOUD MN 56302-9617

JUSTICE CREDIT CARD
BOX 182273
COLUMBUS, OH 43218-2273

KOHL'S
P.O. BOX 2983
MILWAUKEE, WI 53201-2983

MAURICES (59776015)
PO BOX 659705
SAN ANTONIO, TX 78265-9705

MESSERLI & KRAMER
3033 CAMPUS DR, STE 250
PLYMOUTH, MN 55441

Midland Credit Management, Inc.
8875 Aero Drive, Suite 200
San Diego, CA 92123

MINNESOTA DEPT OF REVENUE
PO BOX 64649
ST PAUL, MN 55164-0649

NATIONAL CREDIT ADJUSTERS LLC
P.O. BOX 3023
HUTCHINSON, KS 67504

OAK HARBOR CAPITAL IV, LLC
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121

GEACRB/OLD NAVY
PO Box 965005
Orlando FL 32896-5005

Portfolio Recovery Associates, LLC
c/o Wal-mart

POB 12914
Norfolk VA 23541

Portfolio Recovery Associates, LLC
c/o Orchard/Sub Prime
POB 12914
Norfolk VA 23541

Quantum3 Group LLC as agent for
MOMA Funding LLC
PO Box 788
Kirkland, WA 98083-0788

RAB Performance Recoveries, LLC
10 Forest Avenue, Suite 300
Paramus, NJ 07652

Rausch, Strum, Israel, Enerson & Hornick
3209 W 76th St, Ste 301
Mpls MN 55435

STATE OF MINNESOTA
DEPT OF REVENUE
BKY SECTION
PO BOX 64447
ST PAUL MN 55164-0447

SWANVILLE STATE BANK
P O BOX 128
SWANVILLE, MN 56382

TARGET NAT'L BANK
PO BOX 673
MINNEAPOLIS, MN 55440-0673

TARGET NATIONAL BANK
C O WEINSTEIN AND RILEY, PS
2001 WESTERN AVENUE, STE 400
SEATTLE, WA 98121

WALMART
P.O. BOX 9650240
Orlando FL 32896-5024

WASHINGTON MUTUAL
PO BOX 9016
PLEASANTON, CA 94566-9016

WELLS FARGO FINANCIAL
443 12ST ST
URBANDALE, IA 50323

WELLS FARGO FINANCIAL
4143 121ST ST
URBANDALE, IA 50323

WELLS FARGO FINANCIAL
BOX 5943
SIOUX FALLS, SD 57117-5943

Wells Fargo Financial Minnesota, Inc.
PO Box 10317
Des Moines, IA 50306

WORLD FINANCIAL NETWORK NATIONAL BANK
PO BOX 182782
COLUMBUS, OH 43218-2782